

REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. Claims 23, 28, 34, and 40 are amended. No claims are added or canceled. Thus, claims 23-42 remain pending, and are submitted for reconsideration.

Rejection based on Bauer

Claims 23, 25-26, 28, and 34-36 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,082,310 ("Bauer"). The rejection should be withdrawn because Bauer fails to disclose, teach, or suggest the claimed invention.

For example, claim 23 (as amended) recites an airbag comprising a cover cap with tear-open edges and a decorative element fastened to a surface area of the cover cap, "wherein the decorative element has a surface area smaller than the surface area of the cover cap such that a portion of the surface area of the cover cap is exposed when the decorative element is fastened to the cover cap." Bauer does not teach or suggest these features. Bauer discloses a door panel 104 with a substrate section 105, a foam layer 128, and a skin layer 130. (Fig. 13 of Bauer.) The skin layer 130 is part of the door panel 104 and has the same dimensions as the door panel 104. (Fig. 13 and column 7, lines 34-48 of Bauer.) In contrast, the decorative element of claim 23 is not part of the cover cap but an additional element which is smaller than the cover cap and may have different shapes. Additionally, when considering the interpretation that the substrate section 105 and the skin layer 130 of Bauer are the "cover cap" and the "decorative element," respectively, of claim 23 (paragraph 3 of the Office Action), Bauer does not teach or suggest that the skin layer 130 has a smaller surface area than the substrate section 105 such that a portion of the surface area of the substrate section 105 is exposed. (See Fig. 13 of Bauer.) Accordingly, the skin layer 130 and the substrate section 105 cannot be considered to be the "decorative element" and the "cover cap," respectively, of claim 23. Thus, Bauer does not teach or suggest all the features of claim 23, and the rejection should be withdrawn.

Claim 28 recites "wherein perforations are provided as the predetermined breaking points." Bauer does not teach or suggest this feature. It is asserted that the decorative skin layer 130 of Bauer is considered to be the "decorative element," the substrate section 105 is considered to be the "cover cap," and the lines of weakenings 115 and 117 are considered to be the "perforations" of the decorative element. (Paragraph 3 of the Office Action.) However, the lines 115 and 117 are not disposed on the decorative skin layer (which is considered to be

decorative element) but are disposed on the substrate 105 (which is considered to be the cover cap). (Column 7, lines 14-20 of Bauer.) Accordingly, the lines 115 and 117 cannot be considered the perforations of the decorative element. Furthermore, Bauer provides no teaching or suggestion that the lines 115 and 117 are even perforations. Thus, Bauer does not teach or suggest all the features of claim 28 (i.e., a decorative element comprising predetermined breaking points wherein perforations are provided as the predetermined breaking points), and the rejection should be withdrawn.

Claim 34 recites “wherein the decorative element comprises a softer carrier material and a harder covering layer; and wherein a material weakening as the breaking point is provided in the covering layer.” Bauer does not teach or suggest this feature. It is asserted that the decorative skin layer 130 of Bauer is considered to be the “decorative element” and the substrate section 105 is considered to be the “cover cap.” (Paragraph 3 of the Office Action.) However, it is also asserted that the continuous layer of foam 128 is considered to be the “softer carrier material” of the decorative element and the substrate section 105 is considered to be the “harder covering layer.” (Paragraph 3 of the Office Action.) This rejection is improper because the substrate section 105 cannot be considered to be two distinct and separate elements, i.e., the harder covering layer of the decorative element and the cover cap. Because Bauer does not teach these two distinct and separate elements, Bauer does not teach or suggest all the features of claim 34, and the rejection should be withdrawn.

Claims 25-26 and 35-36 depend from either claim 23 or claim 34, and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on Bauer are respectfully requested.

Conclusion

It is believed that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12/11/2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

By Matthew J. Kremer

Howard N. Shipley
Registration No. 39,370

Matthew J. Kremer
Registration No. 58,671